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SINGLE BENCH

IN THE HIGH COURT OF JUDICATURE AT BILASPUR:
CHHATTISGARH

W.P. NO. 4029 OF 2005

Petitioner
Defendant

✓ Gendram S/o Manrakhan
Verma, aged about 49
years, Occupation –
Cultivator, R/o Village –
Jhal, Tahsil & P.S. –
Benetara, Distt. Durg
(Chhattisgarh)

Versus

Respondents
Plaintiffs

✓ Smt. Sirmotin Bai (since
deceased) through –

P.R. No. 4131/05
Presented by Shri. Sonu Kurmi
dated 17.12.05

1. ✓ Shatruhan S/o Sonu
Kurmi, aged about 33
years, Occupation –
Cultivator, R/o Village –
Kusmi, Distt. Durg
(Chhattisgarh)
2. ✓ Bharat, S/o Sonu Kurmi,
aged about 35 years,
Occupation – Cultivator,
R/o Village – Kusmi,
Tahsil – Benetara, Distt.
Durg (Chhattisgarh)

WRIT PETITION UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ... WP No. 4089/05 ... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>5-9-2005</u> Shri Sanjay S. Agrawal, counsel for the petitioner. The petitioner has preferred this writ petition under Article 227 of the Constitution of India questioning the legality, propriety and correctness of the order dated 11-7-2005 passed by learned Additional District Judge, Bemetara, whereby learned Additional District Judge has allowed the application filed by respondents herein under Order 22 Rule 3 read with Section 151 of the C.P.C. for bringing them on record as legal heirs of late Smt. Sirmotin Bai who was plaintiff before the Court below. I have heard learned counsel for the petitioner and perused the impugned order. Respondent Smt. Sirmotin Bai (since deceased) filed a civil suit for declaration of the sale deed as null and void, and also for compensation against the petitioner herein. During the pendency of that civil suit, Smt. Sirmotin Bai died and respondents No.1 & 2 moved an application under Order 22 Rule 3 read with Section 151 of the C.P.C. for bringing them on record on the ground that late Smt. Sirmotin Bai executed a will in favour of respondent No.1 and thereby he has become legal heir of late Smt. Sirmotin Bai and respondent No.2 herein is the shareholder in the land of late Smt. Sirmotin Bai, therefore, he has interest in the suit, as such he be arrayed as the	

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मामला क्रमांक सन् २००

आदेश पत्रक (पूर्वानुबन्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -२-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	plaintiff. Learned trial Court while accepting the above, allowed the application. Learned counsel for the petitioner herein argued that the application has been allowed without any probate issued in favour of respondent No.1. Therefore, merely on the basis of will trial Court ought not to have allowed the application. But, I do not find any substance in this argument. Learned counsel for the petitioner has not been able to point out any law where the probate is required on the will executed in respect of the property in the State of Chhattisgarh. I do not find any illegality or infirmity in the order impugned. The petitioner has not been able to make out a case for invoking extraordinary jurisdiction under Article 227 of the Constitution of India. The writ petition is, therefore, liable to be dismissed and it is accordingly dismissed. Consequently, M.(W.)P. No.3324/2005 and I.A. No.7462/2005 stand disposed of.	Sd/- L.C. Bhadoo Judge